

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**NEW CENTURY BANK d/b/a
CUSTOMERS BANK**

Plaintiff,

v.

OPEN SOLUTIONS INC.

Defendant.

Civil Action No. 2:10-cv-06537-HB

SUPPLEMENTAL DECLARATION OF SCOTT L. VERNICK

Pursuant to 28 U.S.C. § 1746, I, Scott L. Vernick, hereby declare, based on personal knowledge, the following:

1. I am a partner at the law firm of Fox Rothschild LLP (“**Fox Rothschild**”) and am responsible for Fox Rothschild’s relationship with Open Solutions Inc. (“**Open Solutions**”) and for the invoicing of attorneys’ fees and costs to Open Solutions Inc.

2. I submit this supplemental declaration in support of Open Solutions’ motion for an award of attorneys’ fees (the “**Motion**,” Docket No. 58), which was filed on March 21, 2011.

3. As detailed below and in my prior Declaration, all of the attorneys’ fees sought by Open Solutions are an accurate accounting of invoices sent by Fox Rothschild to Open Solutions and were necessarily incurred by Open Solutions in connection with these proceedings.

4. At the time of the filing of the Motion, Open Solutions had incurred attorneys’ fees in the amount of \$209,031.50, which reflects fees incurred through and including February 28, 2011.

5. Since February 28, 2011 and through June 30, 2011, Open Solutions has incurred additional attorneys' fees in connection with these proceedings (excluding those fees incurred in connection with the motions filed by the Federal Deposit Insurance Corporation) of \$52,466.50, for a total of \$261,498.00.

6. Effective June 1, 2011, Ronald J. Shaffer's standard hourly rate was increased to \$580 per hour, and Dana S. Katz's standard hourly rate was increased to \$300 per hour.

7. The hourly rates invoiced by Fox Rothschild for Mr. Shaffer and Ms. Katz reflect prevailing market rates for similarly situated lawyers practicing in Philadelphia.

8. Since March 1, 2011, Mr. Shaffer, myself, and Ms. Katz completed the following tasks:

- a. reviewed and analyzed the Court's findings of fact and conclusions of law;
- b. conducted extensive legal research and analysis in preparation for drafting the Motion for attorneys' fees;
- c. drafted and filed the Motion for attorneys' fees;
- d. prepared and filed Open Solutions' Bill of Costs;
- e. researched and drafted Open Solutions' opposition to Customers Bank's Motion to Amend Findings of Fact and Conclusions of Law and to Alter or Amend Judgment and to Stay Execution of Judgment; and
- f. researched and drafted Open Solutions' reply in support of its Motion for attorneys' fees.

9. Fox Rothschild has billed Open Solutions at the hourly rates stated above and in the Motion.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ *Scott L. Vernick*
Scott L. Vernick, Esq.

Dated: July 13, 2011

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Supplemental Declaration of Scott L. Vernick was filed with the Court using the ECF system on July 13, 2011, which will provide notice and a copy to the following:

Nicholas Deenis
Andrew K. Stutzman
William T. Mandia
STRADLEY RONON STEVENS & YOUNG, LLP
2600 One Commerce Square
Philadelphia, PA 19103

Thomas M. Clark
FDIC
350 Fifth Avenue, Suite 1200
New York, NY 10118-0110

Dated: July 13, 2011

/s/ Eric E. Reed